



North Carolina and the Bill of Rights



NORTH CAROLINA
DEPARTMENT OF
**CULTURAL
RESOURCES**
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Education Section
Office of Archives and History
North Carolina Department of Cultural Resources

Overview—North Carolina and the Bill of Rights

In the midst of the Revolutionary War, North Carolina set about to form a government. The Fifth Provincial Congress convened in Halifax on November 12, 1776, for the purpose of drafting a new constitution, which they passed on December 18. However, on the previous day, a Declaration of Rights was adopted by the assembly. This document, which was very similar to legislation enacted by Maryland and Virginia and which contained ideas set forth in the Magna Charta and the English Bill of Rights of 1689, was intended to protect individual freedoms. It should be noted that the declaration refers to the rights of freemen, which included only males who owned property and could therefore vote. Obviously it omitted large segments of the public—notably minorities, women, and non-landed men. But though the protection of these rights only extended to certain segments of the population, it represented the importance of the ideal of personal freedoms to a young nation.

In 1787 a constitutional convention was convened in Philadelphia to draft a new constitution for the United States of America. Representing North Carolina at the convention were William R. Davie, Richard Dobbs Spaight, Hugh Williamson, William Blount, and Alexander Martin.

After much debate and many compromises, the Constitution was presented to the states for ratification. Blount, Williamson, and Spaight signed the document for North Carolina. Davie and Martin were absent at the time. A state convention was called to decide if North Carolina would ratify the new constitution. It convened in Hillsborough on July 21, 1788. The delegates were divided into two groups: Federalists, who supported the new constitution, and Antifederalists who opposed it. Federalists generally supported a strong central government with power to enforce laws over states and individuals, protect property rights, control currency, and interact with foreign powers for security and trade purposes. Antifederalists believed that a strong central government would trample on states' rights and would infringe on individual rights as well. Many feared a return to the monarchy that the Revolutionary War had been fought to end. Among the Federalists were Samuel Johnston, James Iredell, and William R. Davie. The Antifederalists included Willie Jones, Samuel Spencer, and Thomas Person. After eleven days of debate, the Antifederalists prevailed by failing to ratify the document but passing a resolution that called for Congress to include a Bill of Rights. A second constitutional convention was called in November 1789. Although there was as yet no official bill of rights, actions had been taken in Congress to adopt one. Therefore, the state ratified the Constitution on November 21, 1789 and approved the Bill of Rights on December 22, 1789. While North Carolina was the next to the last of the thirteen original colonies to ratify the Constitution, it was the third to approve the document guaranteeing individual freedoms.

Each state was provided with a copy of the proposed Bill of Rights in 1789. North Carolina's copy was kept in the State Capitol in Raleigh. At the end of the Civil War, when Raleigh was occupied by Federal troops, a Union soldier removed the copy from the Capitol. He soon sold it to a man named Charles A. Shotwell. State officials were approached by various sellers over the years but refused to buy what they believed to be property rightfully belonging to the state. In March 2003, authorities learned that the document was about to be sold again, and an F.B.I. undercover operation was arranged to recover the missing document. The state sought ownership of the document in federal court. Although the federal courts awarded possession to North Carolina, the issue of ownership remains pending in state court.





Federalist or Antifederalist?



Federalist: favored a strong central government

Antifederalist: favored strong states and a weaker central government

Using the biographical sketches, check whether each delegate is a Federalist or an Antifederalist.

	Federalist	Antifederalist
William Blount		
Samuel Spencer		
Thomas Person		
William R. Davie		
Samuel Johnston		
Richard Dobbs Spaight		
James Iredell Sr.		
Hugh Williamson		
Willie Jones		
Alexander Martin		

We the People

we have been and shall be the most
free and the most independent nation
that ever was or shall be

we have the right to
life, liberty and the pursuit of happiness

we have the right to
the security of our persons, our families, our
property, our reputations, and our lives

Constitution.
 ratified in 1788,
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The Bill of Rights

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http://www.archives.gov/national-archives-experience/charters/bill_of_rights_transcript.html

	1	2	3	4	5	6	7	8	9	10
Due process					X					
Religion	X									
Keep and bear arms		X								
Speech	X									
Jury trial							X			
Peaceably assemble	X									
Freedom of the press	X									
Speedy, public trial						X				
No cruel punishment								X		
Petition the government	X									
No unreasonable search				X						
No excessive bail								X		
No witness against self					X					
Confront witnesses against self						X				
No keeping soldiers in homes			X							

Enrichment and Extension

Using the maps, discuss the differences in North Carolina now and North Carolina in 1789 at the time of the adoption of the Bill of Rights. The differences in the number of counties and the addition of what is now Tennessee should be among the subjects discussed. You might also use the maps to discuss who was living in various sections of the state at the time.

Using the painting of the signing of the Constitution found at <http://memory.loc.gov>, discuss the scene.

Interview with a signer: working in small groups, create interview questions that you might ask each of the signers of the Constitution or the Bill of Rights. You might want to act out the interview.

Use a front page from the local newspaper and the front page of the Fayetteville *Gazette* that is included under “resources”. Discuss the differences in newspapers today and those of 1789.

These lesson plans and resources may be used to address the following curriculum standards in the social studies course of study:

3rd grade

1.02 Recognize diverse local, state, and national leaders, past and present, who demonstrate responsible citizenship.

4th grade

1.01 Locate, in absolute and relative terms, major landforms, bodies of water and natural resources in North Carolina.

2.01 Locate and describe American Indians in North Carolina, past and present.

3.02 Identify people, symbols, events and documents associated with NC history.

4.03 Explain the importance of responsible citizenship and identify ways North Carolinians can participate in civic affairs.

4.04 Examine ways North Carolinians govern themselves and identify major government authorities at the local and state level.

4.05 Identify and assess the role of prominent people in NC, past and present.

5th grade

2.01 Analyze major documents that formed the foundations of the American idea of constitutional government.

In addition, these resources may also be used to address the curriculum standards in other disciplines, such as language arts.

4th grade

1.05 Use word reference materials (e.g., glossary, dictionary, thesaurus) to identify and comprehend unknown words.

3.05 Analyze and integrate information from one or more sources to expand understanding of text including graphs, charts, and/or maps.

5th grade

1.04 Use word reference materials (e.g., glossary, dictionary, thesaurus, online reference tools) to identify and comprehend unknown words.

2.03 Read a variety of texts,